

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

GORDON BROOKS,

Plaintiff,

vs.

Case No. 2:13-CV-507  
Judge Frost  
Magistrate Judge King

MARY POTTER, *et al.*,

Defendants.

ORDER

On October 31, 2013, the Court recommended that the motions to dismiss filed on behalf of defendants Potter and Miller be granted and plaintiff was ordered to show cause, by November 15, 2013, why the claims against the remaining defendants should not be dismissed for failure to effect service of process. *Order and Report and Recommendation*, Doc. No. 28. Plaintiff was advised of the consequences of failure to respond to that recommendation and order. *Id.* Plaintiff has made no response.

It is therefore **RECOMMENDED** that the claims against the remaining defendants be dismissed for failure to effect service of process. See Fed. R. Civ. P. 4(m). It is **FURTHER RECOMMENDED** that this action be dismissed.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part

thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

November 22, 2013

s/Norah McCann King  
Norah M<sup>c</sup>Cann King  
United States Magistrate Judge